

REMARKS

Claims 1-37 are all of the claims presently pending in the application. Applicants have amended various claims to more particularly define the claimed invention.

It is noted that the claim amendments are made only for more particularly pointing out the invention, and not for distinguishing the invention over the alleged prior art, narrowing the claims or for any statutory requirements of patentability. Further, Applicants specifically state that no amendment to any claim herein should be construed as a disclaimer of any interest in or right to an equivalent of any element or feature of the amended claim.

With respect to the alleged prior art rejections, claims 1-37 stand rejected under 35 U.S.C. § 102(e) as being allegedly anticipated by Severin (U.S. Patent Pub. No. 2005/0005261).

These rejections are respectfully traversed in the following discussion.

I. THE CLAIMED INVENTION

The claimed invention is directed to (e.g., claim 1), a method of developing actual resources without alteration into a collection of virtual resources customized to a particular audience. The method includes constructing at least one virtual resource independent of an actual resource, storing the virtual resource in a tangible computer readable media, connecting the actual resource to the at least one virtual resource, retrieving the at least one virtual resource from the tangible computer readable media, and extracting at least one descriptor from said at least one retrieved virtual resource. The virtual resource includes a resource utilized at a logic authoring time, while the actual resource includes a resource utilized at a runtime.

II. THE ALLEGED PRIOR ART REFERENCES

A. The Severin (U.S. Patent Pub. No. 2005/0005261) Reference

Claims 1-37 stand rejected under 35 U.S.C. § 102(e) as being anticipated by Severin (U.S. Patent Pub. No. 2005/0005261, hereinafter Severin '261). The Examiner alleges that Severin teaches the claimed invention of claims. Applicants submit, however, that Severin '261 does not teach or suggest each feature of the claimed invention.

Severin '261 fails to teach or suggest a *method of developing actual resources without alteration into a collection of virtual resources customized to a particular audience, said method comprising: constructing at least one virtual resource independent of an actual resource; storing the virtual resource in a tangible computer readable media, using a processor on a computer; connecting the actual resource to the at least one virtual resource; retrieving the at least one virtual resource from the tangible computer readable media; and extracting at least one descriptor from said at least one retrieved virtual resource, wherein said virtual resource comprises a resource utilized at a logic authoring time, while said actual resource comprises a resource utilized at a runtime.*

The Examiner alleges that Severin teaches:

of developing actual resources without alteration into a collection of virtual resources customized to a particular audience, said method comprising: constructing at least one virtual resource independent of an actual resource (i.e. constructs a virtual model implementation. The Examiner notes that the virtual model includes a virtual resource, which is independent from an actual resource, where a virtual host includes a virtual resource.) (paragraph [0248; 0550]); storing the virtual resource independent of an actual resource (i.e. virtual resources are stored in a database)(paragraphs [0248, 0437]); connecting the actual resource to the at least one virtual resource (i.e. Component Integration Engine (CIE) are a logical grouping of resources (i.e. virtual resource) that is configured to shared resource (i.e. actual resource) at runtime)(paragraphs [0410-0413]); retrieving the at least one virtual resource (i.e. retrieving data record stored in a virtual instance)(paragraph [0257]); extracting at least one descriptor (i.e. descriptor contains the descriptions of features and functionality allowed and required in an implementation. It is a specific type of metadata)(paragraph [0049]) from said at least one retrieved virtual resource (i.e.

Extract Transform Load tool provides the ability to extract data from a data source)(paragraph [0438]); wherein said virtual resource comprises a resource utilized at a logic authoring time (i.e. virtual implementation using logic-based program.)(paragraphs [0079, 0250]) and said actual resource comprises a resource utilized at a runtime (i.e. run-time)(paragraphs [0411-0412]).

However, respectfully, the disclosure in the provisional document of Severin '261 must be looked at instead of the non-provisional application, because Severin '261, U.S. Publication no. 2005/0005261, is filed on July 2, 2004, which is after the filing date of present Application, September 22, 2003. As shown below, it also does not appear that the disclosure in the publication document of Severin '261 is fully supported by the provisional application Severin '251. Therefore, the dates of the disclosures not provided in an enabling manner in 60/484,251, filed on July 2, 2003, would instead have the effective U.S. filing date of July 2, 2004 and therefore, those portions of the disclosure cannot be used in a prior art rejection. As seen in the provisional Application of Severin '251, much of the disclosure of Severin '261 is missing.

Therefore, the reasoning for the rejection should have been provided based on the disclosure of the provisional document Severin '251 instead of Severin '261, including providing the particular parts in the reasoning for rejection under 37 C.F.R. §1.104.

However, both Severin '261 and '251 fail to teach or suggest all the claim limitations.

The Examiner argued that Severin '261 teaches constructing at least one virtual resource independent of an actual resource (i.e. constructs a virtual model implementation. The Examiner notes that the virtual model includes a virtual resource, which is independent from an actual resource, where a virtual host includes a virtual resource.) (paragraph [0248; 0550]).

However, the discussion in paragraph 248 in Severin '261 about the real implementation does not appear anywhere in the priority document Severin '261. Therefore,

the earlier filed Severin '251 fails teach or suggest *constructing at least one virtual resource independent of an actual resource*.

Moreover, paragraphs 248 of Severin '261 is simply disclosing that a virtual implementation would be done in the same manner as the real implementation. Moreover, paragraph 550 of Severin '261 is merely discussing the component integration engine which is dealing with the virtual resources but does not teach or suggest that the virtual resource is independent of the actual resource. Therefore, even in Severin 261, there is no teaching or suggestion as to the relationship of the actual resource and the virtual resource to where there is no teaching or suggestion of *constructing at least one virtual resource independent of an actual resource*.

Severin '251 and 261 also fail to teach or suggest connecting the actual resource to the at least one virtual resource. The Examiner alleged that Severin '261 teaches connecting the actual resource to the at least one virtual resource (i.e. Component Integration Engine (CIE) are a logical grouping of resources (i.e. virtual resource) that is configured to shared resource (i.e. actual resource) at run-time)(paragraphs [0410-0413]).

However, paragraphs 410 to 413 are discussing the authentication in a component integration engine or persistence engine. Severin '261 also recites that "shared resource are pre-configured component instances that provide details about the running environment or access to resources, services, or functionality that can be shared amongst all users and processes running in the domain." See paragraph 411 of Severin '261. Severin is still discussing only the virtual environment and virtual resources and no connection or link is provided to the actual resources as claimed. The virtual resources of Severin '261 is also in the runtime as seen in paragraph 248 and therefore, Severin is not disclosing or suggesting of the link to the actual resources as claimed in the present Application. Nowhere in '251 and

'261 is there a teaching or suggestion of connecting the actual resource to the virtual resource as claimed, where the actual resources are at runtime and virtual resources are at an authoring time. The distinction is not taught or suggested in Severin '261 or Severin '251 as further shown below.

The Severin '261 and ' 251 References also fail to teach or suggest said virtual resource comprises a resource utilized at a logic authoring time whereas said actual resource comprises a resource utilized at a runtime.

The Examiner alleged that Severin '261 teaches said virtual resource comprises a resource utilized at a logic authoring time (i.e. virtual implementation using logic-based program.)(paragraphs [0079, 0250]) and said actual resource comprises a resource utilized at a runtime (i.e. run-time)(paragraphs [0411-0412]).

However, as shown above, Severin '261 fails to provide a disclosure or suggestion of the actual resources utilized at runtime while virtual resources are utilized at a logic authoring time.

Paragraph 248 of Severin '261 recites that the virtual implementations are "modifiable at runtime." Therefore, the virtual resources in Severin are also in runtime, while in the claimed invention, the actual resources are in the runtime.

Paragraphs 411-412 merely disclose or suggest that the problem domain holds resource managers to the manage shared resources and that program can be dynamically constructed in runtime. However, there is no teaching or suggestion that the actual resource comprises a resource utilized at runtime as claimed since Severin '261 is stating that the construction of the virtual resource can be made in runtime.

Moreover, the disclosure of the provisional Application Severin '251 does not appear to clearly support in an enabling manner the description provided in paragraphs 79, 250, 411

and 412 of Severin '261 since a substantial portion of the text is not provided in Severin '251.

In addition, according to MPEP §2131, the following applies in a 35 U.S.C. §102 rejection:

"A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference." Verdegaal Bros. v. Union Oil Co. of California, 814 F.2d 628, 631, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987).. "The identical invention must be shown in as complete detail as is contained in the ... claim." Richardson v. Suzuki Motor Co., 868 F.2d 1226, 1236, 9 USPQ2d 1913, 1920 (Fed. Cir. 1989). The elements must be arranged as required by the claim, but this is not an ipsissimis verbis test, i.e., identity of terminology is not required. In re Bond, 910 F.2d 831, 15 USPQ2d 1566 (Fed. Cir. 1990).

Therefore, as shown above, since Severin '251 and even Severin '261 do not identically disclose the invention in as complete detail as contained in the claim, the anticipation rejection must be removed.

Therefore, Applicants submit that there are elements of the claimed invention that are not taught or suggest by Severin '261 or Severin '251. Therefore, Applicants respectfully request the Examiner to withdraw this rejection.

III. FORMAL MATTERS AND CONCLUSION

In view of the foregoing, Applicants submit that claims 1-37, all of the claims presently pending in the application, are patentably distinct over the alleged prior art of record and are in condition for allowance. Applicants respectfully request the Examiner to pass the above application to issue at the earliest possible time.

Should the Examiner find the application to be other than in condition for allowance, Applicants requests the Examiner to contact the undersigned at the local telephone number listed below to discuss any other changes deemed necessary in a telephonic or personal

Serial No. 10/665,564
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interview.

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The undersigned authorizes the Commissioner to charge any deficiency in fees or to credit any overpayment in fees to Attorney's Deposit Account No. 50-0510.

Respectfully Submitted,



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